

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
Room 220, Senate Building, Utah State Capitol Complex
February 1, 2010**

Members Present: Sen. Jon J. Greiner, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Sen. Ben McAdams
Rep. Douglas C. Aagard
Rep. Richard A. Greenwood
Rep. Steven R. Mascaro
Rep. Curtis Oda
Rep. Jennifer M. Seelig
Rep. Larry B. Wiley

Members Excused: Pres. Michael G. Waddoups

Staff Present: Steve Allred, Fiscal Analyst
Gary Syphus, Fiscal Analyst
Jennifer Eyring, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Sen. Greiner called the meeting to order at 2:20 p.m.

MOTION: Rep. Oda moved to approve the minutes from the January 20, 2010 meeting. The motion passed unanimously with Pres. Waddoups and Rep. Seelig absent for the vote.

Gary Syphus, Fiscal Analyst, discussed the "Public Safety: Federal Funds Issue Brief". This brief lists FY 2011 Federal funds requested by Public Safety. The "Public Safety: Fees" Issue Brief details GRAMA requests, Bureau of Criminal Identification (BCI) fees, Fire Marshall fees, Peace Officer Standards and Training (POST) fees, Utah Highway Patrol fees, and Driver License fees.

The Programs and Operations Budget Brief outlines the line item that includes the Commissioner's Office, Aero Bureau, BCI, State Crime Lab, Highway Patrol and the State Fire Marshall. It was noted that due to budget reductions, an airplane was sold from the AERO Bureau. The Bureau of Criminal Identification is asking for nonlapsing authority to help with FY 2010 budget shortfalls. The Analyst recommended intent language that would make unexpended appropriations nonlapsing at the end of FY 2010. Budget detail and the Analyst 5% budget reduction recommendations are included in the brief.

Mr. Syphus and Joe Brown, Finance Director, Department of Public Safety, answered questions about the FY 2010 Appropriated and the FY 2010 Revised numbers.

The Analyst discussed the budget brief for Liquor Law Enforcement and provided an additional page that explains Liquor Law Enforcement within DPS and Local Government Liquor Law Enforcement. The DPS program is funded through general funds. The local government program is funded through the sales tax on beer. Nonlapsing intent language and the Analyst recommendations are included in the brief.

Rep. Greenwood stated that staff had provided him with a synopsis of the funds that go through the Department of Alcoholic Beverage Control (DABC). The school lunch program receives 10% of total resale amount, for about \$26,769,000. The committee is welcomed to a copy of the information.

The Analyst gave a brief overview of the remaining Budget Briefs. Police Officer Standards and Training (POST) is funded through restricted accounts and dedicated credits. It does not receive general funds. The Analyst recommends adoption of the base budget and nonlapsing intent language.

The Driver License Division is mainly funded from the Public Safety Restricted Account. Nonlapsing intent language and FY 2011 budget recommendations are included in the brief.

Nanette Rolfe, Director, Driver License Division, stated that Federal funds have been applied for and granted. In 2009 the Division was awarded \$830,000 and they are working on a grant for 2010. Some of this funding did not show up on the budget report. Joe Brown, Finance Director, Department of Public Safety, and Mr. Syphus will research the matter and provide updated information.

The Emergency Services and Homeland Security line item is funded mostly through Federal funds. Analyst recommendations and nonlapsing intent language are included in the brief.

The Highway Safety line item is mainly funded through Federal funds and restricted accounts. Much of the money is pass through funds to local governments. Analyst recommendations and nonlapsing intent language are included in the brief.

Rep. Greenwood introduced Don L. Ipson, Chairman, Honorary Colonel, Utah Highway Patrol, who acknowledged the Honorary Colonels present in the audience. He drew attention to the number of Highway Patrol troopers who have been hit or injured in the last few months, including the trooper who had been injured the previous weekend. He spoke about the safety issue it becomes when trooper staffing is too low. He stated that the backup situation is critical and there is often no backup help available, especially in rural areas. He asked the committee to do all they can to keep the staffing levels up for the Highway Patrol.

Rep. Greenwood commended the Honorary Colonels for the service they provide the Highway Patrol and the state of Utah. The organization was started in 1985 and has been an advocate for public safety and the troopers. He also noted that there are models that show what staffing numbers should be. He was not sure if those numbers would show actual cause and effect relating to trooper safety, but feels that Utah's trooper numbers are too low. Salt Lake County is at basically the same staffing level as in 1976. He feels strongly that it is unfair to the troopers serving to not have higher staffing levels and commended the troopers for their service.

Mr. Ipson also commended the Utah Highway Patrol troopers.

Lance Davenport, Commissioner, Department of Public Safety, introduced Joe Brown, Administrative Services and Finance, Colonel Danny Fuhr, Superintendent, Utah Highway Patrol, and Colonel Keith Squires, Deputy Commissioner, Homeland Security. He acknowledged the quality work of the entire Department staff and gave a brief update on Trooper Zubal who was injured the previous weekend. Some of the notable accomplishments were reviewed including a decrease in motor vehicle fatalities, DUI blitz efforts, improving service in the Driver License program, increased seat belt use, education programs, alcohol and drug enforcement, crime lab accreditation, the addition of Y-STR DNA technology, a reduction in issuance time for concealed weapons permits, coordinating a statewide hazardous materials response and training program, POST training, and Homeland Security receiving full emergency management accreditation.

In response to committee questions, Ms. Rolfe stated that the Driver License Division has 21 full time and 6 part time offices. One office shares an office with the Department of Motor Vehicles and one office is on the same property as the DMV. Five additional positions have been filled. She believes that the four day work week is working well for them. The South Valley office will soon be open on Fridays. Rep. Hutchings noted that a report on the four day work week has shown that it has saved the state about \$1 million and has decreased overtime by 30%.

Mr. Brown stated that the amounts on the Federal Funds page prepared by the analyst are their best estimate of what they will apply for and receive. They are confident they will receive the highway funds, others may not be so certain.

Rep. Mascaro expressed his concern that the Departments under this committee must deal with the problems associated with the sale and abuse of alcohol, but the Departments are not receiving funds from the sale of alcohol to pay for it.

Mr. Brown explained the Nuclear Oversight item in the Emergency Services and Homeland Security budget. At this time, it has not been used.

Jay Henry, Director, State Crime Lab, explained the DNA specimen collection account and how it is funded. Case work uses standard DNA testing and has added Y-STR testing.

Mr. Brown stated that the Fire Academy budget item is funded by restricted accounts and can only be used for particular items such as training for fire fighters and equipment for volunteer fire departments.

Mr. Syphus provided a further explanation on the Nuclear Oversight account. Money is appropriated, but if it is not needed, it is not put into the account and is not spent. He will provide more information to the committee on how these accounts are set up.

Mr. Davenport and Mr. Brown provided the committee with an extensive handout that details the department organization, reductions from FY 2010, the additional 4% reductions for FY 2010 and the effects on programs and personnel, the planned 5% reductions for FY 2011 and the effects on programs and personnel, and the FY 2011 Building Block requests.

Rep. Hutchings acknowledged that these Departments have been hit very hard with cuts in the past and it needs to be considered carefully as they go into discussion on the FY 2011 budget.

In looking at FY 2010 reductions, Mr. Brown pointed out that one Deputy Director position was eliminated and discussed other specific reductions throughout the Department. Some positions have been retained with ARRA or backfill funds, but those will end at the close of the fiscal year. Incentive programs, overtime, award banquets, and all discretionary items have been reduced or eliminated. Changes in the Highway Patrol incentive program were explained. Personnel reductions and potential reductions for FY 2011 were discussed. The additional 4% FY 2010 reductions come from holding positions open, eliminating overtime, and the use of carryover funds. The specific cuts and effects are listed in the handout.

Mr. Brown reviewed the 5% reductions for FY 2011 as outlined in the handout. Rep. Mascaro asked that the effect of the cuts to the Highway Patrol be read aloud for the record. Mr. Davenport stated the ramifications for the loss of 24 troopers is serious and read the following: "ramifications of this would be loss of life, lack of service, congested interstates, and violent criminals who will go un-apprehended."

Mr. Brown said that the Department recommended reductions are different from the Analyst recommendation. They feel that they are being asked to take a higher level of cuts than other departments. Their reduction of \$3,142,200 differs from the Analyst reduction. They may have some carryover funds available to them if they are given nonlapsing authority.

A discussion followed on the effects the public would see with the number of Highway Patrol troopers reduced. Wait times for help with accidents or problems would be noticeable, especially on snowy days. Speeds would likely increase and fewer impaired drivers would be taken off the roads. Mr. Davenport reported that there are models and standards they use as a standard for how trooper time is used. Utah is currently below those standards because of under staffing. Mr. Henry explained how standards apply to the Crime Lab. Some areas are experiencing difficulty because a position has been left vacant. Mr. Davenport has more

information he can provide concerning trooper workload.

Colonel Dan Fuhr, Utah Highway Patrol, provided a folder containing specific information about the Highway Patrol and what the reductions for FY 2010 and FY 2011 entail. He said the public will notice the increase in wait time for troopers to be able to help. The handout was briefly highlighted.

Rep. Aagard said he felt it is important for the public to become more aware of these cuts because it is a public safety issue.

Mr. Brown reviewed the Department requests. They are asking for additional General Funds to cover increases in lease costs and retirement rate costs. Additional requests were listed in reference to the Driver License Office and other restricted accounts.

Mr. Davenport responded to questions about how the Highway Patrol and local law enforcement agencies work together.

Mr. Brown asked the committee to increase the dedicated credit amount for the Fire Marshall Office. It was inadvertently left off the base budget.

Mr. Davenport complimented the people who work in public service. He said the cuts in the past have been difficult, but additional cuts may prove detrimental and ask the committee to do all they can to hold them as harmless as possible.

MOTION: Rep. Wiley moved to adjourn. The motion passed unanimously with Pres. Waddoups absent for the vote.

Sen. Greiner adjourned the meeting at 5:00 p.m.

Sen. Jon J. Greiner, Co-Chair

Rep. Eric K. Hutchings, Co-Chair